

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1247 OF 2006

1. Shahwaz Mohammad Javed Shahabajkar
2. Shajida Mohammed Javed Shahabajkar .Applicants.
V/s
State of Maharashtra .Respondent.

Shri Ganesh Gole for the applicants.
Miss. Rajeshree M. Gadhavi, A.P.P. for the State.

CORAM : V.M. KANADE, J.
DATE : 27TH MARCH, 2006.

P.C.

. Heard the learned Counsel for the applicants and
the learned APP for the State.

2. The applicants have an apprehension that they
are likely to be arrested in connection with
C.R.No.I-32/2006 registered with Uran Police Station for
the offences punishable under sections 302, 504 r/w 34
of Indian Penal Code.

3. The case of the prosecution is that the
applicant No.1 along with his mother applicant No.2 went
to the house of the mother of applicant No.2. There was
dispute between the complainant and the present

applicants. There was some altercations and the applicant No.1, according to the prosecution assaulted the deceased on the back portion of the head with the wooden rod. The statement of the complainant was recorded and he was taken to the J.J. Hospital. However, he died after 5 weeks. The offence was converted to offence under section 302. It is submitted by the learned Counsel for the applicants that there was neither any intention or knowledge that the injury caused to the complainant would result in his death. It is submitted that so far as applicant No.2 is concerned, the actual role which is attributed that she had abused the complainant. It is submitted that unfortunately when the complainant was taken to the J.J. Hospital, on account of strike of the Doctors timely medical assistance was not given and therefore the complainant died after 5 weeks.

4. It is not possible to accept the submissions of the learned Counsel for the applicants so far as applicant No.1 is concerned. The statement of the complainant is recorded in which he had stated that the applicant No.1 assaulted him on the back portion of his head with wooden rod. Therefore, it is not a fit case

for grant of anticipatory bail, so far as applicant No.1 is concerned.

5. So far as applicant No.2 is concerned, the actual role which is attributed to her is that she had abused the complainant. The applicant No.2 being a lady and since limited role is attributed to her, in my view her custodial interrogation is not necessary. The applicant No.2 therefore, in the event of her arrest in connection with the offence which is registered vide C.R.NO. I-32/2006 at Uran Police Station be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount.

6. She shall however, report to Uran Police Station for the period of one week from 3rd April 2006 between 11 a.m. to 5 p.m. Thereafter, as and when called till the charge-sheet is filed. Thereafter she may report to the Uran Police station once in two months till the trial is committed to the Sessions Court. After the trial is committed to the Sessions Court, she may remain present on the dates given by the Sessions Court.

7. Application is accordingly disposed of.

[4]

[V.M. KANADE, J.]